

**EXHIBIT – A**

2021-12-20

Page 1 of 5

## CERTIFIED COPY

FILED

2021 DEC 06 02:33 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 21-2-15986-5 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

CLYDE A. ARTERBURN, an individual,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC. dba/aka Home  
Depot, a Foreign Corporation; and DALE  
BROWN and JANE DOE BROWN, husband  
and wife.

Defendants.

No.

COMPLAINT

Plaintiff alleges as follows:

1.

At all times material hereto, Plaintiffs Clyde A. Arterburn was a resident of Walla Walla County, in the State of Washington.

2.

Defendant Home Depot U.S.A., Inc. dba/aka Home Depot (hereinafter "Home Depot") is a Delaware Corporation with its principal place of business located at 2455 Paces Ferry Rd. SE, Atlanta, GA 30339 and, at all times material hereto, was doing business for profit in the State of Washington, primarily engaged in selling home construction and improvement goods.

COMPLAINT

Hess Law Office, PLLC  
415 N. 2nd Avenue  
Walla Walla, WA 99362  
Lit@hesslawoffice.com  
T: (509) 525-4744 F: (509) 525-4977

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle, Barbara Miner  
By Deputy Clerk: LaRuin White



2021-12-20

Page 2 of 5

## CERTIFIED COPY

3.

Upon information and belief, at all times material hereto, defendants Dale Brown and and Jane Doe Brown were husband and wife residing in Walla Walla County, Washington. Defendant Dale Brown was the Manager of Home Depot #4735 at the time of Plaintiff Clyde A. Arterburn's fall.

4.

Jurisdiction is proper in the State of Washington because all parties reside in, or do business in, Washington. The Superior Court of King County, State of Washington, has subject matter jurisdiction over this action pursuant to RCW 2.08.010.

5.

Venue is proper in and for King County because the defendants either own property and do business in, or reside in, King County, Washington.

## CLAIM

6.

On or about the morning of September 21, 2020, Plaintiff Clyde Arterburn went to Defendant Home Depot's store located at 1100 NE C Street, College Place, Washington, for the purpose of shopping at that store.

7.

The College Place Home Depot store was assigned store #4735 by defendants. Store #4735 and is open to the public for the self-service sale of products for profit.

8.

As Clyde Arterburn was exiting the store, he tripped over a metal basket which had been placed over a pipe that extended from the floor.

COMPLAINT

Hess Law Office, PLLC  
415 N. 2nd Avenue  
Walla Walla, WA 99362  
Lit@hesslawoffice.com  
T: (509) 525-4744 F: (509) 525-4977

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle. Barbara Miner  
By Deputy Clerk: LaRahn White



2021-12-20

Page 3 of 5

## CERTIFIED COPY

9.

At all relevant times, Defendant Home Depot knew or should have known of the dangerous condition presented by metal basket placed over the pipe and the extruding pipe itself.

10.

Under the doctrine of *respondeat superior*, Home Depot is liable for the acts and omissions of its employees and agents, including but not limited to Store Manager Dale Brown, which caused harm to its business invitee, Clyde Arterburn, in the operation of Home Depot's self-service store.

11.

Defendant Home Depot, and/or its employees and/or agents, owed a duty to Plaintiff Clyde Arterburn to exercise reasonable care for his safety and to maintain the store and its walkways in a reasonably safe condition.

12.

Defendant Home Depot was negligent by failing to exercise reasonable care under the circumstances for the safety of Plaintiff Clyde Arterburn and other invitees in one or more of the following ways:

- a. Failing to reasonably barricade and/or block off, and/or warn and/or inform them of the tripping hazard presented by the metal basket and extruding pipe;
- b. Failing to provide safe access and egress for business invitees;
- c. Failing to provide proper supervision and training for employees in using adequate safety procedures in maintaining safe walkways;
- d. Allowing this dangerous and/or hazardous condition to exist for a substantial period of time, although there had been reasonable time and opportunity to ameliorate,

COMPLAINT

Hess Law Office, PLLC  
415 N. 2<sup>nd</sup> Avenue  
Walla Walla, WA 99362  
Lit@hesslawoffice.com  
T: (509) 525-4744 F: (509) 525-4977

BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle, Barbara Miner  
By Deputy Clerk: LaRae White



2021-12-20

Page 4 of 5

## CERTIFIED COPY

mitigate, reduce and/or lessen the hazardous condition posed by the metal basket and extruding pipe;

e. Failing to inspect the premises and/or walkways for unsafe and/or dangerous conditions; and/or,

f. Maintaining and operating the business in a generally negligent manner.

13.

Defendant Dale Brown, the manager of Home Depot Store #4735, was negligent in allowing the metal basket and protruding pipe to remain on the floor; in failing to take reasonable precautions to protect Home Depot's invitees from foreseeable harm by failing to inspect the store for dangerous conditions; and, in failing warn shoppers of the hazard presented by the metal basket and extruding pipe, and in failing to make the pipe flush with the floor.

14.

Defendants are solely at fault and liable to Plaintiff for his damages. No other person or entity contributed to the plaintiff's injuries.

15.

As a direct and proximate result of Defendant Home Depot's negligence and other tortious conduct, Plaintiff Clyde Arterburn was injured, suffered, and continues to suffer physical disability, pain and suffering; emotional trauma including but not limited to loss of self-esteem, shame, embarrassment, humiliation and emotional distress; medical expenses; loss of earnings and earning capacity; and other damages in an amount now unknown, but to be proven at the time of trial.

## LIMITED PHYSICIAN/PATIENT WAIVER

COMPLAINT

Hess Law Office, PLLC  
415 N. 2nd Avenue  
Walla Walla, WA 99362  
Lit@hesslawoffice.com  
T: (509) 525-4744 F: (509) 525-4977

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle, Barbara Miner By Deputy Clerk: LaRaine White





2021-12-20

Page 5 of 5

## CERTIFIED COPY

16.

Plaintiff Clyde Arterburn hereby waives the physician-patient privilege ONLY to the extent required by RCW 5.60.060, as limited by the Plaintiff's constitutional rights of privacy, contractual rights of privacy, and the ethical obligation of physicians and attorneys not to engage in ex parte contact between a treating physician and the patient's legal adversaries.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant in an amount that will fairly compensate Plaintiff for all damages sustained, costs, and reasonable attorney's fees, interest calculated at the maximum amount allowable by law, and other relief the court deems just.

DATED this 19<sup>th</sup> day of November, 2021.

Hess Law Office, PLLC

By: Ryan Armentrout

Ryan Armentrout  
WSBA #43559  
Of Attorneys for Plaintiffs

By: Peter J. Hess

Peter J. Hess  
WSBA #39721  
Of Attorneys for Plaintiffs

COMPLAINT

Hess Law Office, PLLC  
415 N. 2<sup>nd</sup> Avenue  
Walla Walla, WA 99362  
Lit@hesslawoffice.com  
T: (509) 525-4744 F: (509) 525-4977

I, BARBARA MINER, Clerk of the Superior Court of the State of Washington for King County, do hereby certify that this copy is a true and perfect transcript of said original as it appears on file and of record in my office and of the whole thereof. IN TESTIMONY WHEREOF, I have affixed this Seal of said Superior Court at my office at Seattle. Barbara Miner  
By Deputy Clerk: LeRoin White

